

SERVICE DATE – DECEMBER 28, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36149

NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION—ACQUISITION &
OPERATION EXEMPTION—PUBLIC BELT RAILROAD COMMISSION OF THE CITY OF
NEW ORLEANS

Digest:¹ In this decision, the Board grants a request to advance the effective date of the exemption to January 11, 2018, rather than January 17, 2018.

Decided: December 26, 2017

On November 22, 2017, New Orleans Public Belt Railroad Corporation (NOPB Corp.), a noncarrier, filed a verified notice of exemption under 49 C.F.R. § 1150.31 to acquire from the Public Belt Railroad Commission of the City of New Orleans (Public Belt), and operate approximately 26.7 miles of rail line and approximately 10.25 miles of assigned trackage rights pursuant to a Cooperative Endeavor Agreement (Agreement) to be entered into by NOPB Corp., Public Belt, the City of New Orleans (the City), and the Board of Commissioners of the Port of New Orleans (the Port). On December 11, 2017, the Board issued a decision holding this proceeding in abeyance and requesting supplemental information from NOPB Corp, which was provided on December 18, 2017. Notice of the exemption was served and published in the Federal Register on December 27, 2017 (82 Fed. Reg. 61,362-63), indicating that the exemption would become effective on January 17, 2018. See 49 C.F.R. § 1150.32(b) (the exemption becomes effective 30 days after the verified notice—or, in this case, the supplement to the notice—is filed).

In its December 18, 2017 supplement, NOPB Corp. requests that the Board allow the exemption to become effective on January 11, 2018, when, according to NOPB Corp., the New Orleans City Council is expected to consider final approval of the proposed transaction.

The Board will grant NOPB Corp.'s request to make the exemption effective on January 11, 2018. Doing so will authorize NOPB Corp. to meet its commitment to provide neutral local and intermediate switching service to shippers and six connecting Class I railroads in the New Orleans area as promptly as possible upon approval of the transaction by the New Orleans City Council. Furthermore, there is no evidence that any party would be harmed, and

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

the typical 14-day period between publication of the notice and the exemption's effective date, see 49 C.F.R. § 1150.32(b), will be preserved.

It is ordered:

1. NOPB Corp.'s request is granted.
2. The exemption will become effective on January 11, 2018.
3. This decision is effective on its service date.

By the Board, Board Members Begeman and Miller.